UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1999/826
30 July 1999

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling its resolutions 425 (1978) and 426 (1978) of 19 March 1978, 501 (1982) of 25 February 1982, 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982 and 520 (1982) of 17 September 1982, as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 21 July 1999 (S/1999/807) and taking note of the observations expressed and the commitments mentioned therein,

Taking note of the letter dated 25 June 1999 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General (S/1999/720),

Responding to the request of the Government of Lebanon,

1. Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further period of six months, that is until 31 January 2000;

2. Reiterates its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

3. Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978 (S/12611), approved by resolution 426 (1978), and calls upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate;

4. Condemns all acts of violence committed in particular against the Force, and urges the parties to put an end to them;

5. Reiterates that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

6. Encourages further efficiency and savings provided they do not affect the operational capacity of the Force;

7. Requests the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/827
28 July 1999
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 27 JULY 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you the text of decision AHG/Dec.3 (XXXV) Rev.3 (document CM/2102 (LXX)) concerning the crisis between the Libyan Arab Jamahiriya and the United States of America and the United Kingdom of Great Britain and Northern Ireland adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-fifth ordinary session held at Algiers from 12 to 14 July 1999.

I should be grateful if you would have the text of the decision distributed as a document of the Security Council.

(Signed) Isa Ayad BABAA
Chargé d'affaires a.i.

99-22134 (E) 290799 290799

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Annex

[Original: Arabic, English and French]

AHG/Dec. 3(XXXV)Rev.3

Decision on the Crisis between the Libyan Arab Jamahiriya and the United States and the United Kingdom (Doc. CM/2102 (LXX)

The Assembly,

1. **TAKES NOTE** of the Report of the Secretary-General;

2. **EXPRESSES ITS SATISFACTION** over the courageous decision of the authorities of the Libyan Arab Jamahiriya to encourage the two Libyan suspects to stand trial before the Scottish Court sitting in the Netherlands and over its positive response, and SUPPORTS the Jamahiriya's demand for adequate guarantees and conditions to ensure a just and fair trial for the two suspects;

3. **PAYS SPECIAL TRIBUTE** to former President of South Africa, Nelson Mandela, the custodian of the two holy Mosques, King Fahad IBN Abdelaziz, President Blaise Compaore, Out-going Chairman of the OAU and all the African leaders who have worked towards the implementation of the letter and spirit of the decision of the OAU Ouagadougou summit on the crisis;

4. **FURTHER EXPRESSES ITS SATISFACTION** at the efforts of the OAU Committee of Five and the Committee of Seven of the League of Arab States for their contributions in the search for a just solution to the crisis;

5. **COMMENDS** the African Group in New York for its role in resolving the crisis, and particularly for drawing the attention of the UN Secretary-General to the fact that the Libyan Arab Jamahiriya had co-operated and fulfilled the requirements of UN Security Council Resolutions 731 (1992) 748 (1992), 883 (1993), 1192 (1998);

6. **CALLS UPON** the United Nations Security Council to immediately and permanently lift the sanctions against the Libyan Arab Jamahiriya;

7. **REQUESTS** the OAU Current Chairman to address letters to the UN Secretary-General and the Chairman of the UN Security Council to take appropriate measures to ensure the speedy and permanent lifting of sanctions;

8. **REQUESTS** the Committee of Five on the Dispute between the Libyan Arab Jamahiriya, the United States of America and the United Kingdom to continue its work until the definitive resolution of the dispute;

9. **DECIDES** to remain seized of this matter and to act as appropriate.

10. **REQUESTS** the Secretary-General to follow-up the implementation of this decision.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1999/828
27 July 1999

ORIGINAL: ENGLISH

LETTER DATED 28 JULY 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward, enclosed herewith, a memorandum of the Federal Government of the Federal Republic of Yugoslavia on the implementation of United Nations Security Council resolution 1244 (1999) issued on 27 July 1999 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

99-22105 (E) 020899

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Annex

Memorandum of the Federal Government of the Federal Republic of Yugoslavia on the implementation of United Nations Security Council resolution 1244 (1999), issued on 27 July 1999

1. **A political settlement within the Federal Republic of Yugoslavia:** By accepting the Ahtisaari-Chernomyrdin document and by its consistent implementation of the relevant provisions of Security Council resolution 1244 (1999) of 10 June 1999 and related documents within the envisaged period, the Federal Republic of Yugoslavia has confirmed its commitment to a peaceful political settlement of the situation in Kosovo and Metohija, on the basis of an autonomy and guarantees of full equality of all citizens and ethnic communities in Kosovo and Metohija within the sovereignty and territorial integrity of the Republic of Serbia and the Federal Republic of Yugoslavia. The only way to establish such autonomy in the southern Serbian province is through a direct dialogue between the representatives of the State and all national and ethnic communities.

2. **Responsibility of the Security Council:** By its resolution 1244 (1999), the United Nations Security Council unequivocally reaffirmed the sovereignty and territorial integrity of the Federal Republic of Yugoslavia in Kosovo and Metohija.

Proceeding from this, the Federal Republic of Yugoslavia has accepted the deployment of the international security and civil presences in Kosovo and Metohija under the auspices of the United Nations and with its mandate.

Security Council resolution 1244 (1999) clearly defined the framework for the international civil and security presences in Kosovo and Metohija, which constitutes an integral part of the unified constitutional, legal, economic, financial, monetary, customs and tax systems of the Federal Republic of Yugoslavia. In this respect, the Federal Republic of Yugoslavia, as the host of the United Nations mission, has initiated a regulation, through a comprehensive agreement, through which all relevant issues concerning the status of the international security presence (KFOR) and civil presence (the United Nations Interim Administration Mission in Kosovo (UNMIK)) should be regulated during their presence in the southern Serbian province.

3. **The current state of affairs:** Despite the fact that the Federal Republic of Yugoslavia has fully carried out and consistently carries out all its obligations, we cannot be at all satisfied with the current pace and results achieved in the implementation of Security Council resolution 1244 (1999) and the relevant documents. On the contrary, many indicators show that certain key provisions of the resolution are not being implemented and are even being flagrantly violated, a state of affairs which has very serious consequences for the Serb and Montenegrin populations in the Province and for non-Albanian national minorities and ethnic groups.

This, above all, pertains to the fact that KFOR and UNMIK are not fulfilling their obligations in terms of ensuring a safe environment, safety of citizens

and the maintenance of public peace, law and order, which is an unconditional obligation set out in paragraph 9 of Security Council resolution 1244 (1999). The consequences are more than evident: massive daily violence throughout the province, terrorism, killing of civilians, kidnapping, usurpation, crimes and lawlessness and ethnic cleansing. All of this may have far-reaching consequences, both on the process of stabilization of the situation in the Province and for the development in the wider region.

4. **Sovereignty and territorial integrity of the Federal Republic of Yugoslavia:** Under Security Council resolution 1244 (1999), the position contained in the report on UNMIK (S/1999/779 of 12 July 1999, para. 35) that the Security Council, in its resolution 1244 (1999), has vested in the "interim civil administration" (UNMIK) de facto authority "over the territory and people of Kosovo" and that in this way the sovereignty of the Federal Republic of Yugoslavia over the territory of Kosovo and Metohija has been practically suspended is also unacceptable and unfounded. According to this interpretation, the Federal Republic of Yugoslavia allegedly legally maintains its sovereignty while all legislative and executive powers, including the administration of justice, are vested in UNMIK. The above-mentioned position has no foundation in Security Council resolution 1244 (1999), which unambiguously guarantees the sovereignty and territorial integrity of the Federal Republic of Yugoslavia.

All positions, actions and decisions which do not recognize the principle of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia or which represent its violation, implying any contravention of and non-compliance with, or even revision of, Security Council resolution 1244 (1999) or the Military Technical Agreement of 9 June 1999 are unacceptable and legally invalid and cannot in any way be legally binding on the Federal Republic of Yugoslavia and its organs.

5. **Mandate:** The responsibilities of the international security presence to be deployed and acting in Kosovo and Metohija (para. 9) are clearly defined in the resolution, while the United Nations Secretary-General is authorized to establish an "international civil presence" in Kosovo and Metohija (paras. 10 and 11) in order to provide an "interim administration" for Kosovo and Metohija under which the people of Kosovo can enjoy "substantial autonomy within the Federal Republic of Yugoslavia".

Therefore, the limits of the "interim administration" are clearly defined in the resolution (para. 10), which has been further confirmed in paragraph 5 of annex 2 of the resolution ("on the establishment of the interim administration for Kosovo and Metohija as a part of the international civil presence under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia"). Under international standards "substantial autonomy" implies that some specific competencies and rights, such as the right of minorities to use and receive education and information in their own language, as well as the right to protect and foster individual culture and tradition and the affairs concerning the local administration, are transferred to the field of autonomy within the wider constitutional and legal order of a sovereign State.

Consequently, it is not possible to perform any functions outside the framework of "substantial autonomy" that is being advocated in the report. Both the

Federal Republic of Yugoslavia and the Republic of Serbia maintain all their authorities, functions and competencies in Kosovo and Metohija, except for those which, according to international standards, could be considered to be the authority and competence of "substantial autonomy". This, inter alia, implies questions such as unified economic conditions, a unified regime of State border crossings, a single market and monetary and financial regimes, the dinar as the single currency in a single country and a single market, a regime of identification documents, a unified legal system and all legal procedures (civil, criminal and administrative) and all international obligations undertaken by the Federal Republic of Yugoslavia that are being implemented on its entire territory (such as the documents concerning the exercise of human rights, prohibition of discrimination, etc.)

6. **Special Representative of the Secretary-General:** The United Nations Security Council has not authorized the Special Representative of the Secretary-General to make arbitrary decisions in respect to which laws of the Federal Republic of Yugoslavia and the Republic of Serbia are to be implemented and which are not in Kosovo and Metohija. Kosovo and Metohija is an autonomous province and constitutes an integral part of the single constitutional, legal, economic, financial, monetary, fiscal, foreign exchange, customs, traffic and other systems of the Republic of Serbia and the Federal Republic of Yugoslavia.

In accordance with the obligation to respect sovereignty and territorial integrity of the Federal Republic of Yugoslavia in Kosovo and Metohija, the Special Representative is obliged to observe the Federal Constitution and other federal regulations, as well as the Constitution and the laws and regulations of the Republic of Serbia. The Government of the Federal Republic of Yugoslavia insists that this be fully observed in practice.

7. **Agreement:** Equally unacceptable is the position of UNMIK announcing its readiness to enter into arrangements with the Federal Republic of Yugoslavia in order to facilitate UNMIK activities in territories of the Federal Republic of Yugoslavia outside Kosovo (para. 36 of the report), by which Kosovo and Metohija is de facto treated as a separate territory. The Federal Republic of Yugoslavia, as the host country to the international security and civil presence in Kosovo and Metohija under the auspices of the United Nations, remains open and requests that an overall agreement be signed with the United Nations in order to regulate the status of international presence under the United Nations auspices as well as all other relevant issues.

8. **Security and protection of citizens:** On the basis of Security Council resolution 1244 (1999) (subparas. 9 (c) and (d)) and of the Military Technical Agreement (paras. 1 and 2), the international security mission under the United Nations auspices, KFOR, has undertaken the obligation to ensure security and protection of all citizens, to keep public law and order and to establish and maintain a safe environment in the Province on the date when Yugoslav forces are withdrawn. However, despite the unambiguous obligations of KFOR, we are witnessing extremely serious problems arising out of the unjustifiable procrastination of KFOR in fulfilling its obligations.

The security gap created as a result of the withdrawal of the Yugoslav Army units and police, and the lack of any control of persons who enter into the

territory of the Federal Republic of Yugoslavia at the unguarded international border crossings with Albania and Macedonia, which has been requested and agreed upon, has, as its consequence, the infiltration of a large number of foreign citizens, terrorists of the so-called "KLA" and other criminal gangs from Albania. A large number of foreign citizens, who are still in the territory of Kosovo and Metohija without any control, jeopardize the security of all citizens in the Province and of Serbs and Montenegrins, as well as members of the national minorities and ethnic groups (Goranies, Turks, Roma, etc.).

9. **Return of refugees and displaced persons:** One of the priorities of KFOR and UNMIK, pursuant to resolution 1244 (1999), subparagraph 9 (c) and subparagraph 11 (k), as well as in accordance with paragraphs 4 and 7 of annex 2 to the resolution, is to establish a secure environment and ensure a safe and unhindered return of all refugees and displaced persons to their homes. With regard to non-Albanians in the Province, primarily Serbs and Montenegrins, KFOR and UNMIK have not only failed to carry out their obligations, but have unfortunately also been responsible, owing to their inadmissibly tolerant attitude towards the Albanian terrorists belonging to the so-called "KLA" and other criminal gangs, for a mass exodus of Serbs, Montenegrins, Roma, Muslims, Goranies, Turks and others from the Province.

The Government of the Federal Republic of Yugoslavia urges KFOR and UNMIK to honour their obligations without delay and to create, as soon as possible, conditions for the return of all expellees from Kosovo and Metohija in safety.

10. **Disarmament of the so-called "KLA":** The greatest problem in the field of security is the failure to fulfil the obligations set out in subparagraph 9 (b) and paragraph 15 of resolution 1244 (1999) concerning the demilitarization and disarmament of the so-called "KLA" and all other armed Albanian groups. The terrorist "KLA" has been given 90 days to demilitarize and disarm while the units of the Yugoslav Army have been withdrawn within an incomparable shorter period of time, only 11 days, although this has been a more complex operation. The tolerant treatment of the so-called KLA by KFOR, which cannot be justified, has made it possible to undermine in various ways the above-mentioned imperative obligation under the resolution and to encourage Albanian terrorists and extremists to continue unhampered the systematic violence, terrorist acts and massive repression, particularly against Serbs and Montenegrins.

The failure to disarm Albanian terrorists and the alleged agreements reached between KFOR and the terrorist so-called KLA represents a mere manipulation of the public, because everyone is aware, including KFOR, that the so-called KLA has only brought together groups or gangs of criminals, drug dealers and assassins who are trying to turn Kosovo and Metohija into an illegal centre to supply the world market with narcotics.

This has resulted in an open ethnic cleansing in the presence of KFOR and UNMIK.

11. **Massacre of Serbs in Staro Gracko:** The brutal massacre of 14 Serbian farmers, women and children in the village of Staro Gracko, in the municipality of Lipljan, on 23 July 1999, when the Albanian terrorists brutalized and killed them close to where a KFOR contingent was located, represents the most appalling crime committed since KFOR and UNMIK were deployed in the Province. This is the

latest in a series of tragedies that are the direct result of non-compliance with the obligations by KFOR and UNMIK to disarm Albanian terrorists six weeks after the United Nations assumed full responsibility for the security and safety of all the population in the Province and of a failure to prevent the systematic violence against Serbs and other non-Albanians.

KFOR and UNMIK bear full responsibility for this massacre and other crimes committed against innocent civilians because they have not yet undertaken any of the efficient and energetic measures which they were bound to take under Security Council resolution 1244 (1999) and the Military Technical Agreement, in order to halt immediately and prevent altogether any further outrages by Albanian terrorists.

The Government of the Federal Republic of Yugoslavia demands that the United Nations take all measures to have the perpetrators of the atrocity in the village of Staro Gradcko and of all other crimes be punished in an exemplary fashion and that they be effectively prevented from further sowing fear and raining death all across the Province. A condition for averting similar tragedies in the future is for KFOR and UNMIK to comply fully with all their obligations under resolution 1244 (1999) and the Military Technical Agreement so that the so-called KLA and all Albanian armed terrorist groups be immediately disarmed, which could ensure safety of all citizens of Kosovo and Metohija and create conditions for normal life in the southern Serbian province.

The recent events in Orahovac and provocations of 300 members of the so-called KLA in uniforms, despite the presence of KFOR, is yet another confirmation of non-compliance with the provisions of Security Council resolution 1244 (1999) and of an unacceptable and biased treatment of Albanian terrorists.

12. **Investigation of crimes:** Forensic examination of victims: In the interest of building confidence among all people of the Province, particularly the Serbs, and of establishing normal inter-ethnic relations and of restoring the undermined trust as an essential precondition for the normalization of the overall situation in the Province, KFOR and UNMIK are duty-bound to conduct a thorough and impartial investigation of all crimes. This is particularly true of mass killings motivated by ethnic hatred and genocidal instincts. In this vein, it is particularly important that KFOR and UNMIK be tasked to immediately carry out an investigation into the Staro Gracko massacre and that the perpetrators of this horrible crime be brought to justice.

The Government of the Federal Republic of Yugoslavia insists that the Yugoslav investigation authorities and forensic specialists be included in the investigations and the process of identifying all people killed in Kosovo and Metohija.

13. **Ethnic cleansing:** According to reliable information and still incomplete data which are also confirmed by the statements of official representatives of UNMIK (S. V. de Mello of 14 July 1999), over 165 thousand Serbs and Montenegrins have left Kosovo and Metohija since the arrival of the international force, that is during the period from 12 June to 26 July 1999, under the information provided by the Office of the United Nations High Commissioner for Refugees (UNHCR). The reason for this exodus lies in the killings, kidnapping, looting

of properties, widespread burning of Serbian villages as well as of cultural, historical and religious monuments and other forms of intimidation.

- There are 78,536 registered internally displaced persons in Serbia and Montenegro. In Belgrade there are 24,293 displaced persons, while it is estimated that their total number is 33,988. In Novi Sad, 3,134 internally displaced persons have been registered, while it is estimated that there are 5,720 such persons. The largest number of the expelled Serbs and Montenegrins have found shelter in Kraljevo and its surroundings, where 51,136 persons have been registered and accommodation has been provided for as many as 74,983 persons (according to the information as of 19 July 1999);

- At the same time, UNHCR data show that 21,444 Serbs, Montenegrins and Roma have found refuge in Montenegro (according to the information as of 19 July 1999);

- Prisoner, Djakovica, Pec, Srbica, Podujevo, Vucitrn and Glogovac are now completely ethnically cleansed towns. The ethnic cleansing of Gnjilane, Urosevac, Kosovska Mitrovica and Lipljan is in its final stages. Over 3,000 Serbs, that is 40 per cent of the total population, have been expelled from Kosovo Polje. Serbs are being expelled also from the villages of Djakovo, Osojane, Tucepom Kos, Belica, Krnjice and Maricane in the municipality of Istok. Thirty-two Serb families have been forced to leave the villages of Toplicane, Rujice, Magure, Slovinj and Staro Gracko.

- Virtually entire towns, predominantly inhabited by Serbs - Istok, Klina, Donja Lapasnica, Obrandza, Velika Reka, Perane and Lause, as well as the villages in the vicinity of Podujevo, such as Grace, Donja Dubica, Zeciste, Orahovac, Naklo, Vitomirica, Bel Polje and Kajlovica, have been set on fire.

- 96 persons have been killed, 8 of them massacred and 28 mutilated.

- 223 persons have been kidnapped, 22 are missing and 43 persons have been wounded.

- In Pristina alone, 120 cases of physical assault and mistreatment have been reported and 201 incidents of serious threats have been recorded.

- It has been reported that 251 houses and apartments have been broken into and looted, that 253 apartments in Pristina and about 120 in Kosovska Mitrovica have been broken into and forcibly occupied.

- In Pristina, 68 houses have been burnt down, in Gnjilane 53, in Urosevac 80 and a large number in Lipljan. Fire has been also set to 70 houses in the village of Mucutiste, to 32 houses in the village of Stimlje and to more than 400 houses in the municipality of Istok. In Pristina alone, 9 apartments have been burned down.

- Over 5,000 passenger cars have been stolen. This number increases by the day, while the number of unregistered Albanian crimes is much higher because of the severed communications and fear of retribution.

- Five Serbian medieval monasteries of great historical value have been vandalized or burnt down, including the Holy Trinity monastery built in 1315 and the Devic convent built in 1434. Five cultural monuments have been demolished in Pristina alone, where there is also the headquarters of KFOR command, including the memorials to prominent Serb and Montenegrin men of letters, Vuk Karadzic and Petar Petrovic Njegos, in downtown Pristina.

- Twenty churches and places of worship have been destroyed: Serbian churches in Prizren, Orahovac, Djakovica, Vucitrn, Samodrez and Velika Reka have been burned down. An attempt was made to set the bishop's residence in Pec and the temple of Holy Salvation in Pristina on fire. The clergy of the Serbian Orthodox Church in the Devic monastery, where a nun was raped, and of St. Nicholas's Church in Pristina have been terrorized.

- Not even cemeteries have been spared by Albanian terrorists and extremists, who have barbarically vandalized and extensively damaged Orthodox headstones, while KFOR and UNMIK have not undertaken appropriate measures and actions to stop this practice.

- There have been massive armed attacks on the Serbian villages of Slovinj, Matinee, Orahovac, Conjure, Brivojce and Gornja Brnjica, as well as on the villages in the vicinity of Kosovska Kamenica, Grmcar, Magila and Ajvalija and all villages in the Istok-Klina region.

- The Serbian villages of Musician, Slivovo, Orlovic and Dragas, as well as those around Kosovo Polje, like Sofalija, Livadice and Mirovac and in the region of Sirinica have been looted and all residents have been expelled.[1]

14. **Dialogue:** The terrorism practised by the so-called "KLA" is manifested in drastic assaults on the lives of Serbs, Montenegrins, Roma, Muslims and non-Albanians as a whole, in daily murders, the burning of homes, demolition and desecration of Orthodox Christian holy places and cultural monuments.

All these problems are known to representatives of KFOR and UNMIK, whether first-hand or from their contacts with the officials of the Republic of Serbia and the Federal Republic of Yugoslavia, especially with officials from the Federal Government Committee for Cooperation with UNMIK.

The Government of the Federal Republic of Yugoslavia considers that this dialogue is useful and that it should be expanded, so that the practical results in improving the security and the overall situation in the Province could be positive.

15. **Usurpation:** Albanian terrorists and extremists, using the pretext that they are former employees, forcibly take over, according to plan, all firms and institutions from local and federal authorities, including the crucial State-run

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[1] See enclosure to the present document: an overview of terrorist and other acts of violence in the province of Kosovo and Metohija during the period from 12 June to 27 July 1999, according to the information provided by the Pristina-based Peace and Tolerance Centre.

enterprises, and all this is tolerated by KFOR. By usurping and forcibly taking over the institutions, facilities and enterprises, the so-called KLA is seeking to create a new situation on the ground only to be verified and legalized by the international presence. Kosovo and Metchija would thus become an ethnically pure Albanian land.

Unfortunately, UNMIK and KFOR make no effort to bring such lawlessness to an end and to establish public peace and order, under Security Council resolution 1244 (1999), a fact which represents its flagrant violation. Moreover, directly or indirectly, individuals or parts of KFOR and UNMIK support such behaviour by the KLA.

In accordance with the obligations undertaken by KFOR and UNMIK to ensure full order in the Province, the Government of the Federal Republic of Yugoslavia demands that all the illegally expropriated private and public (State) property, as well as public assets (State institutions, factories, businesses, petrol stations, etc.) be restored to their former state without delay.

The current critical situation in the field of security and human rights is justified by the fact that international police forces have not been deployed yet. But this is an unacceptable and unjustifiable excuse, bearing in mind that it is the obligation of UNMIK and KFOR to organize in due course a police service in Kosovo and Metohija, that is to unconditionally guarantee a secure environment, public peace and order and respect for human rights and fundamental freedoms.

16. **Inviolability of private and State-owned property:** The international presence under United Nations auspices is obliged to ensure respect for the inviolability of the rights related to private and State-owned property. In this context, we welcome the position expressed by the Special Representative of the Secretary-General, Bernard Kouchner, that the occupied dwellings of their illegally evicted owners would have to be vacated and returned to their rightful owners.

In view of the obligation of KFOR and UNMIK to ensure respect for the law, the Government of the Federal Republic of Yugoslavia insists that all expropriated property, private or State-owned (State institutions, public assets, factories and other commercial facilities, etc.), be restored to their owners under the law.

17. **Discrimination:** KFOR and UNMIK tolerate the practice of establishing ethnic quotas for executive positions, favouring Albanians at a ratio of 9 to 1. In this way, the democratic principle of equality of all citizens irrespective of their national or ethnic origin and religion has been grossly violated. If this trend is to be tolerated, the very existence of a great number of Serbs and Montenegrins employed in public institutions, that is 20,000 people in Pristina alone as well as in Prizren, Dragas, Podujevo, Lipljan and Strpci, will be in danger.

Massive terrorist and criminal acts perpetrated by Albanians and the creation of a widespread atmosphere of danger are ultimately aimed at completing the ethnic cleansing in the Province, in particular, of Serbs and Montenegrins. The

tolerant approach of KFOR and UNMIK in minimizing the scope of Albanian crimes, terror and mass violation of human rights plays into the hands of Albanian extremists and encourages them to achieve their strategic goal and create their mono-ethnic, exclusively Albanian Kosovo and Metohija.

18. **Multi-ethnic, multi-confessional and multicultural character of the province:** The obligation of KFOR and UNMIK is to radically change their tolerant attitude towards the sources and proponents of violence, lawlessness and crime from among the KLA. The fulfilment of the clear mandate entrusted to them by Security Council resolution 1244 (1999) is a precondition for effectively protecting all citizens in Kosovo and Metohija. KFOR and UNMIK are bound to undertake concrete and consistent measures to preserve the multi-ethnic, multi-confessional and multicultural nature of the Province.

The Government of the Federal Republic of Yugoslavia requests a safe and unhampered return of all expelled Serbs, Montenegrins, Roma and others, as well as full respect of the right to private property, labour, health protection and, above all, the right to life. It also insists that KFOR and UNMIK ensure the functioning of all public services, a unified power distribution system, post, telephone and telegraph service, health, judiciary etc. and to ensure a safe return of all employees who have been forced to leave their jobs, to create normal working conditions, including their protection when they come to, and return from, their jobs.

19. **Border regime towards aliens:** There is no basis in resolution 1244 (1999) for the efforts by the Secretary-General to hand over to UNMIK and KFOR the powers vested in the legitimate authorities of the Federal Republic of Yugoslavia in the field of State border protection and border crossings. This is a gross violation of paragraph 4 of resolution 1244 (1999) and of paragraph 2 of annex 2 thereof. Consequently, the Government of the Federal Republic of Yugoslavia insists that the provisions of the resolution (para. 4 and para. 6 of annex 2) relating to a presence of Yugoslav Army soldiers and police at the border crossings, be implemented without further delay. Procrastination with respect to the establishment of these services is the main cause of the chaos and crime, including international traffic in narcotic drugs (drug mafia) and arms, trade in humans and the like.

Proceeding from the provisions of the resolution that guarantee the sovereignty of the Federal Republic of Yugoslavia, KFOR was bound to conduct border monitoring duties at the international border of the Federal Republic of Yugoslavia with Albania and Macedonia (subpara. 9 (g)), to ensure normal and efficient functioning of customs, passport and visa services as well as anti-criminal, sanitary, phytopathological and other controls. It has also been bound to provide security guarantees for the competent Yugoslav customs officers, including their protection at work at the border and customs checkpoints and during their arrival to and return from work. Contrary to its implicit obligations, KFOR continues to evade implementation of that provision.

KFOR's failure to close the border essentially represents a very serious violation of resolution 1244 (1999) and of the Military Technical Agreement, which has very hard and tragic consequences. Thereby, KFOR is responsible for massive, uncontrolled infiltration of aliens, terrorists and criminals, while

the laws of the Federal Republic of Yugoslavia are violated as well as international norms, which cannot possibly be justified.

Such an attitude on the part of KFOR and UNMIK means playing into the hands of Albanian separatists and terrorists in their aspirations to put in practice their concept of a "Greater Albania", which is the principal source of instability in south-eastern Europe. This concept must and should be nipped in the bud only through a consistent and full implementation of resolution 1244 (1999), in particular:

(a) Through the establishment of full security and monitoring at the international border of the Federal Republic of Yugoslavia with the Republic of Albania and the Republic of Macedonia, with the participation of Yugoslav Army soldiers and Yugoslav security forces (police);

(b) Through the establishment of normal customs, immigration, health and other Yugoslav border services at all State border crossings, thus making possible normalization of an effective inter-State border crossing regime and monitoring, according to international norms and standards;

(c) Through a resolute disarming, without delay, of the terrorist so-called "KLA" and of other armed Albanian gangs;

(d) Through expulsion, at the earliest possible date, of all aliens who have illegally entered the southern Serbian province via the unguarded border due to failures by KFOR and UNMIK to ensure in due course the security of borders and enable the normal functioning of Yugoslav border services.

20. **Identification documents regime:** Proceeding from the fact that the question of citizenship and residence is one of the main elements of sovereignty and foundation for the exercise and protection of human rights and fundamental freedoms and respect thereof, including the right to vote, as well as that the people in Kosovo and Metohija are Yugoslav citizens, there is a single regime both in the Province and in the entire Yugoslav territory concerning the identification documents procedure.

The Government of the Federal Republic of Yugoslavia requests full respect for, and the implementation of, the laws in force on the visa regime and identification documents of citizens (identification cards, passports, etc.).

21. **Visits of foreign officials:** It is unacceptable and contrary to the provisions of resolution 1244 (1999) and paragraphs 5 and 8 of annex 2 thereof, which confirm the sovereignty of the Federal Republic of Yugoslavia, that foreign officials, during their visits to Kosovo and Metohija, disregard the regular procedure envisaged by the Vienna Convention on Diplomatic Relations, as well as the Yugoslav visa regime in force.

Unacceptable as well are the intentions of some States to establish "offices" or "missions" in the Province, in flagrant breach of the Vienna Convention, Security Council resolution 1244 (1999) and international diplomatic practice.

The Government of the Federal Republic of Yugoslavia demands that, in scheduling the visits of foreign officials to Kosovo and Metohija, regardless of the purpose and character of these visits, normal diplomatic procedure be strictly followed and arrangements made through diplomatic channels. Also, in establishing a resident office of an international organization or a mission of a foreign country, the provisions of the Vienna Convention should be observed. In this connection, the Government of the Federal Republic of Yugoslavia underlines that this is one of the main prerogatives of sovereignty and that it has not transferred over to any party its right concerning decisions on visits of foreign officials to any part of its sovereign territory.

22. **Disruption of the unified economic system of the Federal Republic of Yugoslavia:** The attempts to inaugurate the concept of further preservation of a strong regime of economic restrictions against the Federal Republic of Yugoslavia, i.e. Republic of Serbia, on the one hand, and to establish a closed system of reconstruction and economic rehabilitation for Kosovo and Metohija, outside the Republic of Serbia and the Federal Republic of Yugoslavia, which is indicated in the report of the Secretary-General, on the other hand, constitute a flagrant violation of a single constitutional, legal, economic, financial, monetary, telecommunications, information, traffic system and other systems of the Federal Republic of Yugoslavia and the Republic of Serbia.

The above approach is in flagrant violation also of the initiatives concerning the development of the region of south-eastern Europe, whose successful implementation is possible only with an equal participation of the Federal Republic of Yugoslavia. In this respect, the fact that the Federal Republic of Yugoslavia was the victim of destruction by NATO, resulting in an enormous material damage and humanitarian problems should be taken into account. The Federal Republic of Yugoslavia expects that the broader international community would show sympathy and assist it in removing these consequences, without which a stable development in the region as a whole is unthinkable.

All discriminatory measures, restrictions and sanctions are unfounded and counter-productive in terms of plans to initiate the development of the region and activities aimed at establishing a basis for a lasting peace and security in the region.

23. **Monetary system:** The respect of the sovereignty and territorial integrity, the unity of the State, its territory and economy require that the dinar be recognized as a single, legal tender in the entire territory of the Republic of Serbia and the Federal Republic of Yugoslavia, including the Province of Kosovo and Metohija. Resolution 1244 (1999) does not offer a basis for any other solution. The currency is an element of sovereignty and cannot, albeit temporarily, be a prerogative of autonomy.

24. **Yugoslav State property:** For the same reasons, the attempt of UNMIK, presented in the Secretary-General's report, to administer any movable or immovable property, including monies, bank accounts and any property of or registered in the name of the Federal Republic of Yugoslavia or the Republic of Serbia or any other organ in the territory of Kosovo and Metohija (para. 37 of the report) is also unacceptable and in contradiction to the resolution. In this context, the requests of the members of the Albanian ethnic national

minority and KFOR to be granted full control over the Inland Revenue Office, the registry of immovable property, vital records books and other registry books that constitute a legal foundation for the exercise of the rights of citizens on the basis of ownership of both movable and immovable property are also unlawful.

25. **Establishment of local authorities and the elections:** The position of UNMIK in declaring the Serbs as a national minority in their own State is contrary to the Constitution and unacceptable. It has no basis in resolution 1244 (1999) and represents its gross violation. The transfer, with no legal ground, of competence to the Special Representative, who may arbitrarily appoint "legitimate" representatives of Serbs, either individuals or political parties, as has been done in the case of the Interim Council, is in contravention of the resolution and is unacceptable. Both the Government of the Federal Republic of Yugoslavia and the Government of the Republic of Serbia are insisting that the Serbs and other national communities on the Interim Council or in other bodies and institutions can be represented only by those representatives appointed by them.

The Government of the Federal Republic of Yugoslavia considers that the respect for full equality in the field of free expression of the will of Serbian and Montenegrin people as well as of the national minorities and ethnic groups in Kosovo and Metohija constitute the only legal basis for the democratic organization of Kosovo and Metohija and a lasting guarantee of ethnic and religious tolerance and cohabitation.

Regarding the running of democratic elections in the Province (subparas. 11 (c) and (f) of the resolution and para. 84 of the report of the Secretary-General) firstly, it is necessary to ensure political dialogue in order to reach a democratic political solution on autonomy and self-governance on the basis of equality of citizens and national communities, respect for the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the Republic of Serbia. Only the legitimate representatives of Serb and Montenegrin people living in Kosovo and Metohija and members of other national minorities or ethnic groups can participate in this dialogue. Secondly, the previous census of citizens constitutes a sine qua non for the organization and conduct of free and fair elections.

26. **Media:** The media should play an important role in the process of organizing and conducting the democratic elections. However, one should keep in mind that the situation concerning the media in the Province is extremely difficult after the destruction of radio and telecommunications systems and occupation of the existing radio and television stations by the so-called KLA. Both KFOR and UNMIK are bound to provide assistance to the competent authorities of the Republic of Serbia so that the existing situation could be improved as soon as possible, that an open democratic media space is established and conditions created for the democratic expression of the will of citizens. In this context, it is necessary to provide normal conditions for work of the existing media prior to the establishment of new media entities.

27. Proceeding from the fact that the Government of the Federal Republic of Yugoslavia has completely fulfilled all its obligations under the resolution and related documents within the envisaged period, it requests that all other

actors, and UNMIK and KFOR in particular, fully and strictly comply with their obligations without any further delay. This is a key precondition for the achievement of the basic goals and tasks of the international presence in Kosovo and Metohija, whose framework is unambiguously provided for by resolution 1244 (1999). The decisions of KFOR and UNMIK that are not in line with Security Council resolution 1244 (1999) or that represent an attempt to diminish, that is endanger the sovereignty and territorial integrity of the country, as well as the principle of full equality of all citizens in Kosovo and Metohija, will neither be recognized by the Government of the Federal Republic of Yugoslavia nor will they have any legal effect.

Enclosure

Overview of terrorist and other acts of violence in the province of Kosovo and Metohija during the period from 12 June to 26 July 1999, according to available and accessible information provided by the Peace and Tolerance Centre in Pristina

1. Number of persons kidnapped in Kosovo and Metohija: 223.

2. Number of persons killed in Kosovo and Metohija: 96 (of whom 8 were found with their throats slit and 28 massacred).

3. Number of missing persons in Kosovo and Metohija: 22.

4. Number of wounded persons in Kosovo and Metohija: 43.

5. Reported cases of physical assault and harassment: 120 (the figure cited is for Pristina alone).

6. Registered cases of threats: 201.

7. Registered number of dwellings broken into and looted: 251.

8. Registered number of dwellings broken into and forcibly occupied: 253 in Pristina and about 120 in Kosovska Mitrovica.

9. Ethnic cleansing: Many towns were ethnically cleansed of all of their Serb residents. According to UNHCR data, more than 165,000 non-Albanians were driven out of Kosovo and Metohija:

   - 78,536 persons expelled from their homes have been officially registered in Serbia and Montenegro;

   - In Belgrade, there are 24,293 registered expellees and it is estimated that there are 33,988 altogether;

   - In Novi Sad, there are 3,134 registered expelled persons and their total number is estimated at 5,720;

   - Most of the expelled persons have found refuge in and around Kraljevo, where 51,136 such persons have been registered and the estimates are that there are 74,983 in total;

   - At the same time, Montenegro has provided shelter for 21,444 Serbs, Montenegrins and Roma forced to leave Kosovo and Metohija;

   Note: The information cited under item 9, except for the total numbers, relates to the period from 12 June to 19 July 1999.

10. Registered number of homes burned down: 68 in Pristina; 53 in Gnjilane; 80 in Urosevac; 70 in the village of Mucutiste; 32 in Stimlje; more than 400 in the municipality of Istok; and many more in Lipljan.

11. Registered number of dwellings burned down: 9 (the figure is cited for Pristina alone).

12. Registered number of stolen vehicles: over 5,000.

13. Registered incidents of cultural monuments demolished: 5 (only in Pristina).

14. Destruction of church property: 20 temples and other religious buildings have been destroyed.

Burning of churches: Prizren, Orahovac, the temple in Djakovica, Vucitrn, Samodrez, Velika Reka;

- an attempted arson of the bishop's residence in Pec and of the Temple of Holy Salvation in Pristina;

Terrorization of the clergy: A nun was raped in the Devic convent; the priests were mistreated at St. Nicholas's Church in Pristina; the sisterhood of the Gorioc convent near Istok were all expelled;

Assaults and demolition: Five monasteries: the Devic convent, the Holy Trinity monastery, the monastery in the village of Binas near Gnjilane and the Dinas monastery near Vitina (desecrated and then burned down); the fourteenth-century monastery of St. Mark near Koriza was demolished;

- A church in the village of Drsna near Klina was destroyed; the church in Rekovac and St. Nicholas's church in Slovina were demolished; the parish Church of the Holy Apostles of Peter and Paul in Suva Reka was dynamited and explosives were planted in a church in Petric.

15. Forced and illegal takeover of public institutions: Pristina, Prizren, Dragas, Podujevo, Lipljan, Strpci.

- The forcible and illegal takeovers of public companies and institutions have left the more than 20,000 Serbs and Montenegrins employed in them without work.

16. Registered armed attacks on villages: Slovinj, Maticane, Orahovac, Konjuh, Berivojce, Gornja Brnjica, the villages around Kosovska Kamenica, Grnzar, Magila, Ajvalija, all the villages of the Istok-Klina region and Gorazdevac near Pec.

17. Registered sieges of villages: Gadnje, Orahovac, Gornja Srbica, Koretin and the villages around Gnjilane.

18. Armed threats against villages: Ugljari, Srpski Babus, Stimlje, Bresje, the Kosovo Polje environs and Milosevo (against which an armed attack was carried out).

19. Looted Serb villages from which the residents were forced out: Moccasin, Slivovo, Orlovic, Dragas, the area around Kosovo Polje, Sofalija, Livadice, Mirovac and Sirinica Pupa.

20. Serb neighbourhoods set on fire: Istok, Klina, Donja Lapactica, Obrandza, Velika Reka, Perane, Lause, the village around Podujevo, Grace, Donja Dubica, Zeciste, Orahovac, Naklo, Vitomirica, Belo Polje, Kojlovice, Alos-Toplicane and Krajiste.

21. Towns ethnically cleansed of Serbs and other non-Albanians: Prizren, Djakovica, Pec, Srbica, Podujevo, Vucitrn and Glogovac, as well as the villages in the municipality of Istok: Djakovo, Osojane, Tucepom, Kos, Belica, Krnjice and Matinee.

Ethnic cleansing has also been carried out in Gnjilane, Urosevac, Kosovska Mitrovica (over 220 families have been expelled), Lipljan, Kosovo Polje, where 3,000 Serbs (40 per cent of all its population) have been driven out, as well as those Serbs living in the villages of Toplicane, Rujice, Magure, Slovinj, Staro Gracko (32 families were forcibly deported).

In Pristina, the situation is particularly difficult in the Ulpijana and Suncani Breg suburbs, from which almost all non-Albanians have been forced out. Physical attacks have been reported on entire buildings. The residents are terrorized; homes stoned; shops, companies and public facilities all looted.

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Corrigendum

Annex, paragraph 13, line 21

At the beginning of the line, for Prisoner read Prizren

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Corrigendum

Annex, heading and paragraph 1 should read as follows:

MEMORANDUM

OF THE FEDERAL GOVERNMENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA ON THE IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 1244 (1999)

1. **A political settlement:** By accepting the Ahtisaari-Chernomyrdin document and its consistent implementation of the relevant provisions of Security Council resolution 1244 (1999) of 10 June 1999 and related documents within the envisaged period, the Federal Republic of Yugoslavia has confirmed its commitment to a peaceful political settlement in the province of Kosovo and Metohija, on the basis of a substantial autonomy and guarantees of full equality of all citizens and ethnic communities in Kosovo and Metohija within the sovereignty and territorial integrity of the Republic of Serbia and the Federal Republic of Yugoslavia. The only way to establish such autonomy in the southern Serbian province is through a direct dialogue between the representatives of the State and all national and ethnic communities.

99-23635 (E) 130899